

REMARKS

In response to a Final Office Action dated November 2, 2004, the Applicant submits this paper along with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. In the Office Action, the Examiner finally rejected claims 1-15, 21-24, and 26-37. By this paper, Applicant amends claims 1-4, 12, 30, and 36 for clarification of certain features to expedite allowance of the present application, cancels claims 21-24, and adds new claims 38-41. The amendments and additional new claims do not add any new matter. Upon entry of these amendments and new claims, claims 1-15 and 26-41 are pending in the present application and are believed to be in condition for allowance. In view of the amendments and the following remarks, the Applicant respectfully requests allowance of all pending claims.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as anticipated by Strauch (U.S. Patent No. 5,861,823). Further, the Examiner rejected claims 12-15, 21-24, and 26-37 under 35 U.S.C. § 102(e) as being anticipated by Hirshberg (U.S. Patent No. 6,597,345). The Applicant respectfully traverses these rejections.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v.*

E.I. du Pont, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

***Features of Claims 1 and 2-11
Missing from Strauch et al.***

The Applicant respectfully asserts that the cited reference does not teach every aspect of independent claim 1 as amended. For example, claim 1 recites, *inter alia*, “a key having a *first data entry value* associated with *depressing a first portion* of the key; the key having a *second data entry value* associated with *deflecting* the key in a predetermined direction *toward a second portion* of the key different from the first portion; the key having a *third data entry value* associated with *simultaneously depressing and deflecting* the key in the predetermined direction *to engage both the first and second portions* of the key.” (Emphasis added).

In contrast, the Strauch reference teaches that in order to enter a secondary character on a multifunction key 14, a designated key 24 must be pressed to change to a multifunction mode and then “force is applied both vertically and simultaneously on an angle toward the desired secondary character on one side of the multifunction key 14.” Strauch et al., col. 4, lines 20-40. Further, “[i]n the multifunction mode, the multifunction keys 14 can *only* produce secondary characters 34.” Strauch et al., col. 4, lines 3-5 (emphasis added). In other words,

after changing modes, the primary character cannot be accessed by engaging the key 32. *See id.* Thus, depending on the mode, *only the primary key 32 or the secondary key 34 is active, but not both. See id.*

The Applicant respectfully asserts that the Strauch reference does not teach a *third data entry value* associated with *simultaneously depressing and deflecting* the key in the predetermined direction *to engage both the first and second portions of the key*, as recited by claim 1. The Strauch reference merely teaches entering primary or secondary data by *either depressing or by applying force at an angle. See* Strauch et al., col. 4, lines 20-40. Referring to Fig. 1, the Strauch reference illustrates a key having a “7” accessible at a central portion 32 of the key, while letters “A” and “B” are accessible on left and right portions 34 of the key, respectively. *See* Strauch et al., Fig. 1; col. 3, lines 34-38; col. 4, lines 1-25. Clearly, the key has only one character associated with each of the different portions of the key. *See id.* Engaging more than one of these portions simultaneously would not access an additional character. *See id.* Instead, simultaneous engagement would access one or more of the same characters associated with independently engaging one of the three portions, e.g., “7”, “A”, or “B”. *See id.* Accordingly, the Strauch reference clearly lacks the claim recitation of a *third data entry value* associated with *simultaneously depressing and deflecting* the key in the predetermined direction *to engage both the first and second portions of the key*.

It has been shown by the above discussion that the cited reference does not anticipate independent claim 1. For the reasons set forth above, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow independent claim 1. Further, the Applicant requests that the Examiner allow the claims depending from

independent claim 1 based on their dependency and based on unique matter recited in each dependent claim.

***Features of Claims 12 and 13-15, 26 and 27-29, 30 and 31-35, and 36 and 37
Missing from Hirshberg***

The Applicant respectfully asserts that the cited reference does not teach every aspect of independent claims 12, 26, 27, 30, and 36 as amended. For example, claim 12 recites, *inter alia*, “depressing the key to *displace* a first portion of the key” and “deflecting the key in a predetermined direction to *displace* the key toward a second portion of the key.” (Emphasis added). Independent claims 26 and 30 recite, *inter alia*, a key or keys “having a central portion and a plurality of peripheral portions, wherein each of the central and peripheral portions is *displaceable*.” (Emphasis added). Independent claim 36 recites, *inter alia*, “*displacement* of a first portion of a key … *displacement* of a second portion of the key; and … *displacement* of both the first and second portions of the key.” (Emphasis added).

In contrast to independent claims 12, 26, 30, and 36, the Hirshberg reference is directed to soft keys that are activated using a touch screen. Specifically, the Hirshberg reference teaches that text entries can be made by touching a key with a finger or stylus and tilting or moving the finger or stylus (not the soft keys). *See* Hirshberg, col. 5, lines 31-52. The Applicant stresses that tilting or moving a *finger* or *stylus* on a touch screen is not *displacing* a key. Indeed, the Applicant asserts that a soft button on a touch screen cannot be *displaced* or deflected in the manner recited in the instant claims. Accordingly, the Applicant asserts that the Hirshberg reference fails to teach each and every aspect of independent claims 12, 26, 30, and 36.

It has been shown by the above discussion that the cited reference does not anticipate independent claims 12, 26, 30, and 36. For the reasons set forth above, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow independent claims 12, 26, 30, and 36. Further, the Applicant requests that the Examiner allow the claims depending from independent claims 12, 26, 30, and 36 based on their dependency and based on unique matter recited in each dependent claim.

New Claims

As set forth above, the Applicant added new claims 38-41. The Applicant believes these claims are patentable over the cited references and in condition for allowance. For example, the references of record do not teach or suggest a “mechanical key ... comprising: a first displaceable portion ... configured to access a first data value; and a second displaceable portion ... configured to access a second data value, wherein a third data value is accessible by moving both the first and second displaceable portions.” Therefore, the Applicant requests that the Examiner allow the new claims 38-41.

Conclusion

In view of the amendments and remarks set forth above, the Applicant respectfully requests withdrawal of all of the Examiner's rejections and objections. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 25, 2005



Tait R. Swanson
Registration No. 48,226
(281) 970-4545

CORRESPONDENCE ADDRESS:
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Department, M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400